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General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1431st Meeting

Monday, 11 July 1994, 10 a.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . . (Cuba)

The meeting was called to order at 10.35 a.m.

Statement by the Chairman

Cooperation with intergovernmental bodies

Cooperation with United Nations bodies

United Nations Visiting Mission to Tokelau

Organization of work

The Chairman (interpretation from Spanish): I would like to begin by welcoming the new Secretary of our Committee, Mr. Abrous. He is also the Deputy Director of the General Assembly and the Trusteeship Council, and has been appointed to serve as Secretary of our Committee. He has lengthy experience in the United Nations and until recently was the Deputy Director of the Centre Against Apartheid. On behalf of our entire membership, I bid welcome to Mr. Abrous.

I have the honour of welcoming members to the summer session of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Since our last plenary meeting, the members of the Committee have been quite busy. The Subcommittee on Small Territories, Petitions, Information and Assistance has completed its work on time, and I understand that its Rapporteur will introduce those reports shortly. The expanded Bureau also met when required to discuss the rationalization and organization of the Committee's work.

As members are aware, the Committee participated in the Global Conference on the Sustainable Development of Small Island Developing States, held in Barbados from 1 to 6 May 1994. At that Conference, I was accompanied by the Committee's Rapporteur, Mr. Farouk Al-Attar of the Syrian Arab Republic, and by Mr. Amor Ardhaoui of Tunisia, Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance. The report of the delegation to that Conference was circulated in *aide-mémoire* 9/94.

In my capacity as Acting Chairman, I also represented the Committee at the eleventh Ministerial Meeting of the Non-Aligned Movement, held in Cairo from 31 May to 3 June 1994. The statement I delivered on behalf of the Committee at that meeting and the report on my participation was circulated in *aide-mémoire* 10/94.

Later this month, I will, on behalf of the Committee, participate in the deliberations of the Economic and Social Council on the agenda item relating to the implementation of the Declaration by the specialized agencies. I will present my report on the work of the Economic and Social Council meetings when we take up that agenda item at a future meeting.

This year, the Committee was unable to hold its Seminars at Headquarters and decided to postpone it to a future date. It will be recalled that the Special Committee, in keeping with the provisions of the Plan of Action for the International Decade, during 1992 and 1993 held two regional seminars, one in the Caribbean and one in the Pacific. The main aims of those seminars were to review the political, economic and social conditions in the

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remaining Territories and to ascertain the views and aspirations of their peoples concerning their future status. As members will recall, the Committee has consistently reaffirmed that the views of the peoples concerned should be paramount in charting a new course for the Committee's actions.

Creating the necessary conditions for complete decolonization by the year 2000 will require that continuing efforts be made to harmonize the views, however divergent, of all the partners in the decolonization process, the ultimate goal being the interests of the peoples of the Territories concerned. If we wish to assist the peoples of those Territories, the outcome of our work at this session and our recommendations should reflect those concerns above all. As in the past, we must continue to pay close attention to the specific problems of the small island Territories and persevere in our efforts to help them achieve their objectives.

In this context, the Special Committee will send a visiting mission to Tokelau at the invitation of the Government of New Zealand, the administering Power, to assess the situation in the Territory and ascertain the wishes and aspirations of its people regarding their future status. In that connection, I understand that the related consultations have been finalized among regional groups and that the visiting mission will be composed of representatives of Chile, Papua New Guinea, Sierra Leone and Tunisia. Mr. Amor Ardhaoui, Chairman of the Subcommittee, will lead the visiting mission, which is to take place approximately from 19 July to 10 August.

Reports of the Subcommittee on Small Territories, Petitions, Information and Assistance

Question of Pitcairn (A/AC.109/L.1813)

Question of St. Helena (A/AC.109/L.1814)

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands, United States Virgin Islands (A/AC.109/L.1815)

Question of dissemination of information (A/AC.109/L.1816)

The Chairman *(interpretation from Spanish):* To introduce the reports of the Subcommittee on Small Territories, Petitions, Information and Assistance, I call on the Rapporteur of the Subcommittee, Ms. Cecilia MacKenna of Chile.

Ms. Mackenna (Chile), Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance *(interpretation from Spanish):* I shall read out in English the report I have prepared on the work of the Subcommittee.

(*spoke in English*)

I have the honour, in my capacity as Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance, to introduce to the Special Committee the reports of the Subcommittee on the agenda items allocated to it during the current session. The reports are as follows.

First, the report of the Subcommittee on the Territory of Pitcairn is contained in document A/AC.109/L.1813. The Subcommittee considered this Territory on 12 and 14 April 1994 and on 7 June 1994. On that date, it adopted by consensus a draft decision on the Territory, which is contained in section C of the document.

Secondly, the report of the Subcommittee on the question of St. Helena is contained in document A/AC.109/L.1814. The Subcommittee considered this Territory on 12 and 14 April 1994 and on 7 June 1994, and adopted by consensus a draft decision on the Territory on 7 June 1994.

Thirdly, the report of the Subcommittee on the question of dissemination of information on decolonization is contained in document A/AC.109/L.1816. This report has been divided into five sections. The first section contains a brief introduction. Section II covers the consultations with the representative of the Department of Public Information. Section III is allocated to the consultations with the representative of the Department of Political Affairs. Section IV covers the issue of the Week of Solidarity with the Peoples of All Colonial Territories Fighting for Freedom, Independence and Human Rights. Section V covers the conclusions and recommendations.

The question of dissemination of information on decolonization was considered by the Subcommittee on 16, 19, 23 and 26 May 1994, and the Subcommittee adopted the report by consensus on 7 June 1994.

Fourthly, the report of the Subcommittee on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam,

Montserrat, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands is contained in document A/AC/109/L.1815. The text of the consolidated draft resolution on all those Territories is contained in part A of the draft consolidated resolution in that document. Part B contains separate draft resolutions on each Territory except Tokelau. The Subcommittee adopted the report on 7 June 1994 by consensus.

As members are aware, the question of Tokelau will be considered at a future meeting when the report of the visiting mission that has just been mentioned by the Chairman is issued.

These conclusions and recommendations were achieved during consultations that took place at a number of formal and informal meetings. I hope that the Special Committee of 24 will adopt the reports.

Requests for hearing

The Chairman *(interpretation from Spanish):* Before the Committee takes up the reports of the Subcommittee, I should like to draw the attention of members to the requests for hearings, distributed in *aides-mémoire* 16/94 to 20/94 and 22/94, concerning Guam, the United States Virgin Islands, the Falkland Islands (Malvinas), East Timor, Western Sahara and New Caledonia.

Regarding the request for a hearing on Guam - this is in *aide-mémoire* 16/94, may I take it that the Committee is prepared to accede to the request for a hearing?

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn to the question of the United States Virgin Islands. Let me say again that we are looking only at the request for a hearing, not going into the substantive issues, which will be debated in our consideration of the report of the Subcommittee. Does any member wish to speak regarding the request for hearing on the United States Virgin Islands contained in *aide-mémoire* 17/94?

If there are no objections, may I take it that the Committee agrees to accede to that request for a hearing?

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn to the question of the Falkland Islands (Malvinas), in respect of which we shall take up the requests for hearing contained in *aide-mémoire* 18/94.

In this regard , if there is no objection I shall take it that the Committee agrees to accede to these requests for a hearing.

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn the question of East Timor, in respect of which we shall examine the requests for hearing contained in *aide-mémoire* 19/94.

I should like to draw members' attention to the communiqué dated 8 July 1994 from the Permanent Representative of Indonesia to the United Nations, contained in document A/AC.109/1199.

Mr. Jenie (Indonesia): As stated in our letter dated 8 July 1994, with reference to the *aide-mémoire* of the Special Committee now contained in document A/AC.109/1199, I wish to reiterate the position of my delegation as follows.

The process of decolonization in East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and if General Assembly resolution 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former territory. Consequently, the integration of East Timor into the Republic of Indonesia was formalized on 17 July 19976 as its twenty-seventh province, with rights and obligations equal to those of the other Provinces.

In view of the above, my delegation is of the view that the consideration of the question by the Committee is inappropriate and granting of hearings to petitioners before the Committee would serve no useful purpose whatsoever. My delegation therefore reiterates its firm objection to the consideration of the so-called question of East Timor and the participation of petitioners. My delegation would like to see our position reflected in the official records of the Special Committee.

The Chairman *(interpretation from Spanish):* The reservations expressed by the representative of Indonesia will be reflected in the records of the meeting. With that understanding, if there are no further comments, may I take it that the Committee agrees to accede to these requests?

It was so decided.

The Chairman *(interpretation from Spanish):* We now turn to the question of Western Sahara, in respect of which we shall examine the request for hearing contained in *aide-mémoire* 20/94. If I hear no objection, I shall take it that the Committee agrees to accede to this request.

It was so decided.

The Chairman *(interpretation from Spanish):* Turning now to the question of New Caledonia, we shall examine the request for hearing contained in *aide-mémoire* 22/94. If I hear no objection, I shall take it that the Committee agrees to accede to that request for a hearing.

It was so decided.

Question of the United States Virgin Islands

The Chairman *(interpretation from Spanish):* We shall now take up the question of the United States Virgin Islands.

If no member of the Committee wishes to speak first, I shall now, in accordance with a decision taken earlier, invite Mrs. Deborah Jackson of the United Nations Association of the Virgin Islands to address the Committee.

At the invitation of the Chairman, Ms. Deborah Jackson (United Nations Association of the Virgin Islands) took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Mrs. Jackson.

Mrs. Jackson *(United Nations Association of the Virgin Islands):* Permit me to express my appreciation to you, Mr. Chairman, for the leadership you have demonstrated, and to the Special Committee for the accomplishments it has achieved in the important and difficult tasks that are its responsibility.

My name is Deborah Jackson, and I am presenting this statement on behalf of my colleague, Judith. L. Bourne, who represents the United Nations Association of the Virgin Islands (UNAVI), and who is unable to be in new York today.

UNAVI thanks the Special Committee on the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for the opportunity to represent its observations, views and concerns with respect to the Virgin Islands.

The United Nations Association of the Virgin Islands is a relatively young organization. Legally incorporated at the beginning of 1992, it is comprised of inhabitants of St. Thomas, St. Croix and St. John in the United States Virgin Islands and of Tortola in the British Virgin Islands. It is worth noting that this organization founded during the United Nations Decade for the Eradication of Colonialism, has a membership base in two adjacent non-self-governing Territories. The close connections between the British and the United States Territories mandated that the organization envisioned by its founders extend to both Territories, notwithstanding the fact that they are administered by two different nations. These links, which include familial, economic, social and cultural ties, extend from the beginnings of our colonial past and continue to the present. Indeed, in recognition of these links, the elected Governments of both Territories have continuing formal connections.

During the past year the people of both Territories have expressed themselves on matters connected to their status as Non-Self-Governing Territories. The elected British Virgin Islands Government has expressed opposition to changes in its laws and governmental structure being imposed by its administering Power without the consent of the Territory. In this regard, a delegation was scheduled to leave the Territory for London to discuss the structural changes, which the elected Government opposes.

The activity within the United States Virgin Islands is more complex, and illuminates the great need for information and education within the Territory to develop greater awareness of the meaning and implications of its status as a Non-Self-Governing Territory. Because of the importance of the issues raised, the balance of this presentation will address this situation of the United States Virgin Islands.

The activity to which I refer is the so-called status referendum. I refer to it as "so-called" because, by its own terms, the results would not have been binding. This referendum can be seen as the result of a manifold process that began in the 1960s. A first Constitutional Convention was part of the ferment that led to the change in 1970 from having Governors appointed by the United States President to having them elected by the people of the Territory. Although ignored by the administering Power, that Convention passed a resolution recommending a change in the relationship between the Territory and the administering Power.

In a more immediate way, however, the referendum was the result of a formal process begun in 1988 by a territorial law which required the organization of a Commission on Status and Federal Relations to carry out a public education campaign as a prelude to a referendum on the Territory's political status. That education campaign continued until the referendum which took place in 1993, with a two and a half year interruption caused by Hurricane Hugo and its aftermath.

Within the United States Virgin Islands it is generally agreed that the referendum failed. In the most basic sense, it failed because, pursuant to the law under which it was organized, it could not be considered valid unless over 50 per cent of the registered voters of the Territory participated in it. In fact, fewer than 30 per cent of the registered voters of the Territory cast ballots. Also within the Territory this low turn-out is scarcely ever attributed to apathy or indifference. Specific issues are generally held to be responsible, some of which caused great controversy. An examination of the reasons being advanced for the failure of the referendum and several of the controversies which erupted during the latter part of the education campaign illustrates the needs which impelled the formation of UNAVI.

One of the aims of the organization is to make known, and gain support for, the aims, achievements and activities of the organs of the United Nations system. The necessity for such endeavours became clear as certain issues became a part of the public discourse around the status referendum. Several of the controversies which arose in the course of the education campaign were engendered by a conviction among portions of the population, including some elected officials, that neither the subject of the political status of the Territory nor the process by which it might be affected had anything to do with international legal norms or the international community.

When the Governor forwarded to the United States Department of State the Commission's request that a United Nations visiting mission be invited, the request was loudly condemned by some as implying that the Territory was incapable of carrying out a referendum on its own. The position that the United Nations had nothing to do with the status of the Territory was stated by some and implied by others.

The issue of voting requirements, or, as it was often put, "Who could vote", became perhaps the most important issue as the referendum date came closer. There appeared to be majority agreement that the qualifications to vote in the election of representative Government were not appropriate, especially as they require only 90 days' residence in the Territory. The other requirements are the attainment of 18 years of age and the possession of United States citizenship. However, a sizeable portion of the population, led by a member of the Status Commission who was also a member of the legislature, took the position that no different qualifications could be utilized, because the United States Constitution requires that laws protect the rights of all United States citizens equally. The point that the determination of the political status of the Territory derives from the right to self-determination, and is not a right attendant on United States citizenship, was consistently brushed aside.

Virtually all post-referendum analyses list the lack of any definitive resolution of the issue of "Who could vote" as one that had a major impact on the level of voter turn-out. Although some sentiment was expressed that the requirements should be changed by the legislature so that the matter could be tested in court and a definitive resolution obtained, no such action was taken. As the controversy raged, no legislative majority emerged with a consensus for a specifically defined change, and the ordinary election voting qualifications were utilized by default.

At least one group, which had been organized in support of moving towards independence, called for a boycott based on this issue and several related ones. The related issues had to do with the manner in which the options were set forth, defined and explained. The referendum included seven status options. Many found this proliferation confusing, especially as each option had a lengthy and particularized definition, which, although quite specific, was not binding.

When the education campaign was revived in 1992, and after several persons had publicly and repeatedly pointed out that resolution 1541 (XV) speaks in terms of three options, the seven options were grouped into three categories: complete integration with the United States, continued or enhanced territorial status and removal of United States sovereignty.

The manner in which the seven options were divided among the categories was not recognized as having a compelling logic, as it appeared to be based largely on a concept of United States sovereignty which was itself not universally accepted. Further, neither the categories nor the manner in which the options were divided among them was in conformity with resolution 1541 (XV). The fact

that the grouping into categories made a further round of voting necessary for a choice to be made among the options included within the wining category further complicated the process. As fewer than half of the registered voters cast ballots in the first round, no further rounds were held.

As can be seen from what I have said, although the proposed report of this Committee refers to the Territory's status referendum, that report does not accurately reflect the reality of the exercise. In the situation that exists, it is incongruous to speak - as the draft consolidated resolution in document A/AC.109/L.1815 does in the preamble to section 9 of part B - of "results of the referendum on political status". On its own terms and according to its own criteria, the referendum produced no results in terms of any choice having been made. As one of the options presented was the continuation of the status quo, one cannot even say that the Territory made a decision to reject a status change and to continue in the current status.

In the final months of the education campaign, discussion - often passionate discussion - began to be heard concerning whether or not international legal norms and international organizations, in particular, the United Nations, had any legitimate role within the process by which the United States Virgin Islands would determine its ultimate political status. Unfortunately, a large sector of those addressing this issue argued that there was no such role. Most persons taking this position were not aware of the role which the United Nations plays with respect to the Territory at present, even though our Governor's Representative for External Affairs sends reports to local media outlets on our participation in United Nations activities as they occur, and portions of his presentations are often broadcast on the radio.

The number of people who are aware of our involvement in United Nations activities, of the fundamental impact of international legal norms on our political status and of the implications that flow from our status is growing. But the rate of growth is much too slow for the United States Virgin Islands to begin to achieve the goals of the United Nations Decade for the Eradication of Colonialism.

A visiting mission to the Territory could be of great value in increasing exposure to and knowledge of these matters for the people of the Territory. The Governor forwarded the request of the Status Commission to the Department of State of the administering Power. The original response of the administering Power indicated that it would not be appropriate to extend such an invitation at that time, as a policy review was in progress. Since then, the review has been completed, a national election has been held, and a new Head of State has been installed. No invitation has yet been extended to this Committee by the administering Power with regard to a visiting mission.

In the light of what I have said, it is clear that the United States Virgin Islands is in need of all available assistance to increase the awareness of the population concerning the possibilities open to them in the exercise of their right of self-determination. We note that the participants in the 1990 regional seminar held in Barbados in observance of the thirtieth anniversary of the Declaration stressed the importance of fair and unbiased political education for the peoples in the Territories, and called for the intensification of the dissemination of information on decolonization with a view to raising the awareness of those peoples about their political rights and the options available to them in determining their future status.

The United Nations Association of the Virgin Islands will work to increase that awareness, recognizing that the effectiveness of our efforts will depend in part upon our utilization of the foundation provided by the work that has been done and is being done by our elected Government. It is the consistent participation of our Government in this Committee and in the other organs of the United Nations system that has provided the basis upon which we can begin our work. In this regard, we would like to express both our sincere gratitude to this Committee for the consideration and assistance it has given to our territorial Government over the years and our confidence that that consideration and assistance will continue and deepen.

Once again, the United Nations Association of the Virgin Islands thanks the Committee for the opportunity to present information that we believe should be useful in its continuing consideration of the situation in the Virgin Islands.

The petitioner withdrew.

Question of Guam

Hearing of the representative of the Governor of Guam

The Chairman *(interpretation from Spanish):* I wish to inform members that Ms. Lourdes Pangelinan, representative of the Governor of Guam, has indicated that she wishes to make a statement at this stage. With the consent of members, and in conformity with standing

procedure, I propose that the Committee invite her to make a statement.

It was so decided.

At the invitation of the Chairman, Ms. Lourdes Pangelinan took a place at the petitioners' table.

The Chairman *(interpretation from Spanish):* I call on Ms. Pangelinan.

Ms. Pangelinan: On behalf of Governor Joseph F. Ada, Governor of Guam, please allow me to extend a very warm *hafa adai* and to extend our deepest appreciation for the continued attention of the Special Committee with respect to the situation in Guam. I am Lourdes Pangelinan, Chief of Staff in the Governor's office; with me is Mr. Leland Bettis, Executive Director of the Guam Commission on Self-Determination.

We greatly appreciate the opportunity afforded us to appear before the Committee today to comment on the proposed language of the draft resolution with respect to Guam. Over the past several years it has been our pleasure to work closely with the Special Committee and its Subcommittee on Small Territories, Petitions, Information and Assistance to provide information and points of clarification with respect to the situation on Guam and with respect to the language of draft resolutions. In that regard, we believe that the obviously growing interest in Guam in the proceedings of this Committee is evident not only in the number of governmental and non-governmental petitioners here today, but also in the Guam Legislature's recent resolution requesting a visiting mission to Guam.

While Guam continues discussions with the administering Power on our commonwealth proposal, greater focus on the obligations of the administering Power to the Non-Self-Governing Territory of Guam under the Charter of the United Nations and ensuing resolutions is necessary and has deep meaning for the people of Guam.

It is with great pleasure that, as we appear here today, we take note of the work of the Special Committee and the Subcommittee on Small Territories, Petitions, Information and Assistance over the past year and a half. During this period the work of the Committee has focused on important details with respect to the Guam Commonwealth Act; on self-determination for the Territory, specifically on Chamorro self-determination; on the issue of land and land return; and on the issue of immigration. We extend our sincere gratitude to the Special Committee for receiving our input and clarifications on the working paper and the draft resolutions.

We would be remiss, however, if we did not also note our gratitude with respect to the undertaking of the administering Power to assist in the process of enhancing the draft resolution on Guam, as was evidenced in their actions in the Fourth Committee deliberations last year. As we noted before the Subcommittee on Small Territories, Petitions, Information and Assistance in May, we were pleased that in last year's deliberations in the Fourth Committee, the administering Power offered amendments to the draft resolution - which we had originally proposed - that made it clear that the presence of military bases and installations would in no way hinder the exercise of self-determination. This action reversed an earlier position of the administering Power which suggested that the right of self-determination could be mitigated *vis-à-vis* military bases and installations. We are also pleased that in last year's Fourth Committee deliberations the administering Power offered no objections to other enhancements in the language of the resolution that were overseen by the Special Committee, for example on the issue of immigration, which is overseen by the administering Power in Guam.

Turning to the draft resolution that is before the Special Committee, with respect specifically to the 1994 draft language, it is our view that the current draft is the most comprehensive and technically correct proposal since the resolution adopted in 1989 by the General Assembly. In this regard, we appreciate the diligence of the Secretariat.

In the first preambular paragraph, the draft resolution accurately describes the Commonwealth Act as providing a framework for a new relationship. More importantly, this first paragraph correctly notes that the Commonwealth Act establishes a process for Guam's decolonization through an act of Chamorro self-determination for the Territory of Guam. This language is more accurate than that of prior resolutions, which, while implying that the Commonwealth promoted that self-government through the enactment of a Constitution, failed to recognize that Commonwealth was an interim status that would grant Guam a form of internal self-government. More importantly, the earlier language failed to recognize that the Commonwealth Act provided a mechanism for decolonization and self-determination for the Territory. The reference to this respect of the Commonwealth Act in the current draft language is critical, because it provides a benchmark with respect to decolonization and to the termination of Guam's non-self-governing status.

The following six preambular paragraphs deal with the nature of the ongoing discussions between Guam's Commission on Self-Determination and the Administering Power, including two paragraphs on the issue of land return, one on the impact of immigration and one on the development of aquaculture and agriculture. These paragraphs point to issues of process and substance. On matters of process, the appointment of a Special Representative by the administering Power and noting that discussions are ongoing are indeed pertinent inclusions. These six preambular paragraphs also note important issues of substance, namely, the evolution of the proposed relationship, Chamorro self-determination, the question of land return, immigration, Guam's role in international organizations, and resource utilization.

Although there appears to be some progress on the part of the administering Power with respect to the evolution of the relationship - for example, the administering Power is currently talking about the imminent breaking of new ground - the remaining issues, however, at least to date, have been viewed by the administering Power as solely within the framework of its internal legal and policy structure.

To date, the administering Power has attempted to paint the issue of Chamorro self-determination and Guam's role in regional and international organizations as being restricted by its own internal constitutional processes. Similarly, the administering Power treats the issues of land and immigration in Guam as if Guam were an integral part of its union. On the matter of expanded offshore aquaculture and land-based agricultural diversity, the administering Power, in the case of the former, claims ownership of Guam's exclusive economic zone, and, in the case of the latter, has taken for its own use the island's historically most productive agricultural properties.

The administering Power's attempts to define Guam's rights within its own constitutional, legal and policy framework is indeed inappropriate from the standpoint of international convention. This approach is also ironic given the fact that even under the legal framework of the administering Power, Guam is not considered a part of the United States. Under its legal standards, Guam is a possession of the United States, with no promise of being a part of its union.

It is not only the approach of the administering Power to Guam's rights that is troubling; it is the effect of its actions that disrupts our rights. While the administering Power's actions with respect to immigration make the Chamorro people a minority in their own homeland, its objection to Chamorro self-determination and decolonization promotes cynicism, anger and frustration. When the administering Power's military forces finally start talking about giving up little bits of land, and they are in turn taken by the civilian agencies of the administering Power, hope for the restoration of property rights is further dampened. The administering Power's control of property, particularly that which is not gainfully used economically, stifles economic development and makes agricultural development less likely. The actions of the administering Power with respect to Guam's participation in regional organizations have also resulted in Guam's role in the South Pacific Regional Environment Programme (SPREP) being minimized. I might add that the manner in which the administering Power successfully excluded Guam from full participation in SPREP is indeed noteworthy. What began as express support for Guam's full participation by SPREP member Governments turned eventually into total exclusion for Guam, but only after much manipulation, nine hours of deliberation and 14 rounds of voting.

While up to now the administering Power has attempted to keep these and other questions within the orbit of its internal legal and policy framework, these are issues that have the personality of international rights and as such appropriately command special consideration by this body. For example, the right of a Non-Self-Governing Territory to decolonization is vested in the people who are colonized; limitations on immigration into Territories under colonial rule is clearly established; the permanent appropriation of land and marine resources by the administering Power is anathema to the responsible role of such a Power; and participation of Non-Self-Governing Territories in regional and international organizations is encouraged. Thus, any attempt to portray these issues as an internal matter between the administering Power and Guam is inconsistent with international principles and the legitimate rights of the people of a Non-Self-Governing Territory.

As we have noted in past statements, many of the provisions of the Guam Commonwealth Act, and the interim status of Commonwealth itself, simply call on the administering Power to enact statutes that reflect its international obligations to the Non-Self-Governing Territory of Guam. We believe that in addition to recognizing the right of the Chamorro people to decolonize their homeland, the least the administering Power should do is to enact statutes of its own which for the first time in nearly 50 years, would recognize its responsibilities to the people of the Non-Self-Governing Territory of Guam which are consistent with its international obligations.

Ultimately, however, the constitutional, legal and policy framework of an administering Power does not serve as a valid basis to deny the inalienable rights of colonial peoples. If administering Powers were allowed to dictate the rights of colonial peoples, the United Nations today would be a much smaller body, and the former administering Powers of new nations such as Namibia would have enriched themselves with the land and natural resources of the colony. But we know that this has not been the case in the past, and it should not begin to be the case now in dealing with the smaller and the more vulnerable Non-Self-Governing Territories that remain on the list.

The operative paragraphs of the draft resolution largely mirror those in the preambular portion, excepting the modifiers used. The language in this portion of the draft resolution, however, includes timely and important changes from the previous year's resolution.

We support the spirit of the first and second operative paragraphs which encourage the expeditious facilitation of discussions between Guam and the administering Power. Discussions between Guam and the administering Power have been ongoing for over seven years and, frankly, we have not yet seen substantive progress. We do have verbal commitments - which we believe are in good faith - that the current administration will move forward quickly with its review. Indeed, these matters were discussed only last week by the Guam Commission on Self-Determination and the Secretary of the Interior of the administering Power, the Honourable Mr. Bruce Babbitt. It is clear that we do not have the luxury of talk without action. We are a patient people, but time is running out. The failure of the administering Power to move quickly and substantively is likely to result in a rethinking of the current processes.

We have been extremely patient over the past few years, and we are prepared to await the conclusion of a process within the administering Power which would facilitate a framework for expeditious discussions. Based on our good-faith discussions with the Secretary of the Interior, we believe that significant policy changes on the part of the administering Power are imminent. Certainly, by the time of the meeting of the Fourth Committee a clearer picture is expected to emerge. But though encouraged, we remain only cautiously optimistic until such time as results are apparent.

Operative paragraph 3 clearly stands on its own. The request of the administering Power to expedite the return of property and to safeguard the property rights of the people of Guam is a basic obligation of an administering Power. This is not a process which is to be mitigated by the laws and policies of a given administering Power, but is, rather, a fundamental right of a colonial people.

Likewise, operative paragraph 4 more completely expresses the obligations of the administering Power with respect to the political and cultural rights of the Chamorro people, as well as to immigration policies, than any language since the General Assembly resolution of 1989. We are very encouraged by the current language, which brings together the international obligation of administering Powers to recognize the political rights of colonized peoples and our specific situation in Guam.

As noted earlier, the role of a colonial people in exercising self-determination for its country is solidly based on international principles of decolonization. In our case, as a result of the immigration policies of the administering Power, we have been left with no option but to carve out, in the Guam Commonwealth Act, a specific role for the Chamorro people in exercising the right of self-determination for the Territory. This process was acted on by all eligible voters in Guam - the indigenous and the non-indigenous people alike - in recognition of the unique role of the Chamorro people in decolonizing their homeland. We took this course based on our own understanding of our situation and are reassured by international convention, which clearly establishes the process of self-determination and decolonization as a right of colonized peoples.

The operative paragraph 6 is perhaps somewhat overstated. In urging the administering Power to continue to assist the Territorial Government in crime prevention, the language seems to ignore the fact that the efforts of Guam's own criminal justice system operate more efficiently in terms of apprehending and processing offenders - and confront less criminal activity - than in areas of a similar size within the administering Power. Naturally, we welcome any assistance that is suited to our requests and requirements. But more fundamentally, we believe that given our low crime rate - compared to similar areas within the administering Power - and our demonstrated efficiency in apprehending and processing offenders, we are best suited to determine the nature of our cooperation with the law enforcement authorities of the administering Power. For your review, Mr. Chairman, a profile of crime rates in Guam between 1985 and 1993 is attached.

On the final operative paragraph, we would call to the Committee's attention the fact that - in addition to the recent resolution of the Guam Legislature requesting a Visiting Mission - we have always offered an open door to United Nations officials. On numerous occasions we have been honoured to host Visiting Missions and officials of this Committee who have been in our part of the world. Our door has always been and will continue to be open to any process that enhances United Nations understanding of the situation in Guam.

In closing, allow me again to extend our deepest appreciation to this Committee and to its Subcommittee for the continued attention given to the situation in Guam. Your work on this year's resolution is especially noteworthy, particularly in the light of the demanding complexities of the situation in Guam. We look forward to continuing to work with the Committee and with other organs of this body in providing input on the situation in Guam. At this time, I would be honoured to respond to any questions you may have.

The Chairman (interpretation from Spanish): Do any of the members of the Committee have any comments or questions?

Mr. Ardhaoui (Tunisia) (*interpretation from French*): Following the statements made by Ms. Jackson and Ms. Pangelinan, I would like to say a few quick words in my capacity as Chairman of the Subcommittee on Small Territories, Petitions, Information and Assistance.

But first, since this is the first time my delegation is speaking here, it is my agreeable duty to tell you, Mr. Chairman, how pleased my delegation is to see you presiding over the work of this Committee with such experience and skill.

Before going on to the subject matter at hand, I would also like to follow up on your words of welcome to Mr. Abrous, the new Secretary of our Committee. I, too, would like to say that we are most pleased to see him in our midst, because - for those who do not know him - Mr. Abrous has a long history in decolonization work. He was a pioneer in the decolonization of his country, Algeria. He was also a pioneer in post-colonial nation-building as one of the first staff members of the Algerian Ministry of Foreign Affairs. Subsequent to that he worked for a long time in the Organization of African Unity (OAU). Thus he has substantial experience indeed in the field of decolonization.

I would like to thank Ms. Jackson and Ms. Pangelinan for the kind words they addressed to the Subcommittee and its work, even though in their statements we also heard some reproaches.

The work of the Subcommittee may seem inadequate; indeed, it does have some imperfections. But the Subcommittee works with what is at hand, and relies on the efforts of the Secretariat to provide it with the necessary elements for evaluating the situations in the various Territories, such as the United States Virgin Islands and Guam.

The Subcommittee has always confronted a dual problem, dual because there is, first, a problem of absence - the absence of dialogue between the Subcommittee and the administering Powers. With the exception of one or two administering Powers that do us the honour of coming to our Subcommittee meetings, all the others are absent.

Clearly, this is a warning bell which the Committee is unable to hear or understand, and therein, perhaps, lie the defects in the Subcommittee's work. I mentioned that the problem is a dual one. There is an absence of dialogue, but there is also an absence of visiting missions, as our two illustrious guests pointed out. The General Assembly clearly intended United Nations visiting missions to the Non-Self-Governing Territories. The administering Powers obviously have the right to express their opinions on these visiting missions, but there is a conflict here between the decisions and instructions of the General Assembly and the positions of the administering Powers.

I think that, in this connection, we have to adopt a clear position which takes into account the General Assembly's instructions and the - perhaps also legitimate - positions of the administering Powers. In that respect, I should like to congratulate you, Sir, for having kindly distributed a draft resolution on visiting missions and recalling these problems.

That is what I wished to say. I should like to add that the Subcommittee is always prepared to work properly, but that this depends upon the cooperation of all, particularly that of the administering Powers.

The Chairman *(interpretation from Spanish):* I believe that the statement of the representative of Tunisia is a valuable contribution to the work of the Committee.

If no other member wishes to comment or ask questions on the statement made by Ms. Pangelinan, I

should like to thank her for the very precise and comprehensive information she offered to the Committee.

Hearing of petitioners

At the invitation of the Chairman, Mr. Don Parkinson, Ms. Marilyn Manibusan, Mrs. Hope Cristobal, Mrs. Marianne Rios and Mr. Ronald Teehan took places at the petitioners' table.

The Chairman *(interpretation from Spanish):* I now call on Mr. Parkinson.

Mr. Parkinson: My name is Don Parkinson. I am an elected Senator with the 22nd Guam Legislature. I have been a Senator with the Guam Legislature since 1983 and I am currently serving in my sixth term. I have been the Majority Leader in the Guam Legislature for seven and one-half years.

As you can probably observe, I am not Chamoru. I am a statesider. I was born and raised in the state of Idaho. In 1975, I came to the islands as a Staff Attorney to help draft a constitution for the Federated States of Micronesia at their Constitutional Convention. After the Constitutional Convention ended, I served one session with the Congress of Micronesia as an Assistant Legal Counsel. I then moved to the Non-Self-Governing Territory of Guam. I thought I would stay on Guam for a year or two as an Assistant Prosecuting Attorney. However, I fell in love with Guam and its people and wound up making Guam my home.

Since I have been in Guam, I have observed many changes in the attitudes of the people living there. I hope the representatives of the United States are listening carefully to what I am saying, because I think my observations as both an insider and an outsider to what is happening in the Non-Self-Governing Territory of Guam are very relevant and important. I hope that my observations are noted by any representatives of the United States Government present today, if there are any.

Later, Senator Manibusan and I will be delivering to the Committee Guam Legislative Resolution 299, which among other things requests that the United Nations send a fact-finding mission to Guam. I would like to point out that the resolution to which I and other speakers will be referring was unanimously passed, with all members of the Guam Legislature as co-sponsors. I understand that the Governor's representative testified today in support of the resolution. I would also like to point out that the support is totally bipartisan. The Governor is a Republican. The Democrats control the Legislature. Senator Manibusan is a Republican. I am a Democrat. The issues here today are non-partisan, and both the Legislative and Executive branches of the Government of Guam have manifested their strong support for the resolution to be presented later requesting a visiting mission to Guam.

It would seem as if the administering Power - the United States Government - has, during the last 15 to 20 years, embarked consciously upon a course of action which is designed to drive the people of the Non-Self-Governing Territory of Guam away from their traditional close ties to the United States and into independence. The administering Power has not treated the people of the Non-Self-Governing Territory of Guam fairly. But I am convinced that neither has there been a conscious desire on the part of high elected officials in the United States to treat the people of Guam unfairly. Rather, Guam has been ignored by the people in power within the administering Power. As a result, petty bureaucrats in the Department of Defense, the Department of Interior and other Departments in the administering Power have mistreated the people of Guam and have acted just as the petty bureaucrats in any colonial Power have traditionally acted when not deterred by higher responsible authority or political considerations - with arrogance and total disregard for the feelings or interests of the indigenous people.

The people of Guam have been treated unjustly as to their land, their quest for political status and their quest for Commonwealth. Most importantly, the indigenous Chamoru people have been mistreated and ignored in their quest for their ultimate right to self-determination.

Injustice breeds dissent. Injustice and dissent breed violence. Injustice, dissent, and violence breed revolution, ultimately resulting in blood running in the streets. Nobody in Guam wants to see this happen. However, as we have learned from the American Revolution; as we have learned from the Russian Revolution of 1917; as we have learned from the Cuban Revolution; as we have learned from the overthrow of the Somoza Government in Nicaragua; and as we have learned historically from countless revolutions, uprisings and changes of Government throughout the world, subjected or abused people will stand for injustice for only so long and then they will take action.

Had I appeared before the United Nations when I was first elected in 1993, many people would have branded me a communist in Guam. Many people would have said I was disloyal to the United States and there would have been

a great deal of controversy surrounding my appearance before this Committee. However, much to my surprise when I announced that I was testifying before this Committee, the response was almost universally positive. It is critical to bring political pressure to bear upon the administering Power now, while there is still a possibility for peaceful solutions to the problems facing the Non-Self-Governing Territory of Guam in regards to land, commonwealth, political status, and so on.

This next comment is directed not only to members here but also specifically to any representatives of the United States seated in the audience today, if there are any. As an aside, the comments I have heard from various Committee members regarding the indifference of the administering Powers to the work of this Committee is indicative of the indifference that the administering Power has shown to the people of Guam in their quest for justice.

If the Administering Power does not take action on a political front to address the questions raised by the issues confronting the Territory of Guam at this time, there is a strong likelihood that in five to 10 years the people of Guam will opt for independence and that there will be violence as a result of various injustices perpetrated against the people of the Non-Self-Governing Territory of Guam.

The time to act is now. The people of Guam are, by and large, still loyal Americans, but they are frustrated. They cannot understand the indifference of the administering Power towards their plight. They cannot understand how the administering Power could permit the abuses which have occurred in the Non-Self-Governing Territory of Guam since the occupation in 1898. The people of Guam cannot understand why, after being granted United States citizenship in 1950, they are being treated as second-class citizens. They cannot understand why the administering Power continues to ignore our request for justice and for Commonwealth status when this was originally initiated at the request of a member of the United States Congress, Manuel Lujan, who later became Secretary of the Interior. The people of the Non-Self-Governing Territory of Guam cannot understand why the Chamorro people have never been allowed to exercise their rights of self-determination.

The United States has spent the last 50 years, since the end of the Second World War, playing Goody Two-shoes to the entire world, purporting to act as a protector of the poor and downtrodden in every corner of the Earth. If the administering Power is going to continue to be the watchdog of the world in order to ensure that its version of democracy, of political stability and of self-government is the inalienable right of every nation on Earth, then it should get its own house in order and get it in order now.

One of the two most pressing issues facing the indigenous residents of the Non-Self-Governing Territory of Guam is the issue of land takings by the administering Power. Most of the land taken by the Administering Power was taken after the Second World War, ostensibly for American defence needs. It is my understanding that the Committee, thanks to the work of the Organization of People for Indigenous Rights and people like Ron Teehan and Ron Rivera and Hope Cristobal, is fully aware of the circumstances of the land taking and the injustices thereof, such as the active role the military played in keeping land prices down right after the war, keeping the indigenous people from having access to attorneys and courts, intimidation and threats and so on and so on.

To paraphrase the late Chairman Mao Zedong of the People's Republic of China, power comes from the barrel of a gun. That was certainly the case with The Non-Self-Governing Territory of Guam in regard to the three Powers which have occupied Guam - Spain, the United States and, during the Second World War, Imperial Japan.

However, the people of the Non-Self-Governing Territory of Guam are a very kindly people and respect authority. Many Chamorros who lived through the Second World War had and continue to have great respect for the United States, perceiving the United States as having rescued them from the horrors of the Second World War.

I will not question for a minute that, as a relatively benign colonial Power, the United States, as the administering Power, has many good points, and many material benefits have accrued to the people living in Guam as a result of the close ties between the administering Power and the Non-Self-Governing Territory of Guam. However, being a colony is like being a slave. I do not think any of us in this room wants to be a slave, no matter how kind and how generous our master may be. I think everyone of us would rather be poor and free than to have wealth and material things while being the slave of another. Just as it is with human beings longing to be free, so it is with cultures, with countries and with indigenous peoples around the world.

On the other hand, in some ways the administering Power has not been particularly benign. We have the spectre of restricted access to the Non-Self-Governing Territory of Guam until 1962. We have the continued

refusal of the administering Power to settle, or even address, the Chamorro right of self-determination, and we have the problems of the excess land issue and the refusal of the federal Government to return the land.

I should like to point out that I, perhaps, have a respectful disagreement with the wording of the draft resolution. The United States has been talking about returning excess land ever since I came to the island, and before. It has not returned any significant amount of excess land, if any at all, in the time I have been on the island. I think there were a few acres returned a number of years ago, but nothing significant. It is all talk and pretty words and nothing else, and I think the Committee should look very carefully at this language. That is one of the reasons I think we need a visiting mission in Guam. I am going outside of my written testimony now because this is something I have observed today. I think we need a mission to Guam to look into these issues and, specifically, to look into whether or not the administering Power is in fact making a good-faith effort to return the excess lands or is simply saying pretty words to the local people.

We have the total indifference of high officials in Guam as to the situation in the Non-Self-Governing Territory. We have the United States Navy's attitude towards the people and the Government of Guam, which is very indicative, along with the attitudes of the Department of Interior, of the colonial Administrations of yesteryear. The attitude of the colonial bureaucrats is that father knows best, the mother country knows best. The relationship with the Non-Self-Governing Territory of Guam appears to be primarily for the convenience of the mother country - the administering Power - to ensure a secure forward military bridgehead for the United States in the Pacific rim region of Asia. I would point out that the reasons for the United States to have colonies - this is an aside that came out of a conversation with one of the observers from Puerto Rico - is for military bases, not for economic gain, as was the case with perhaps the Spanish colonial empire and some of the European empires of the last century. The United States Government appears to be trying to milk the Territories not for economic potential but, rather, for military potential.

The United States has an abysmal record in dealing with the land issues of the American Indians. Likewise, the administering Power has an abysmal history of dealing with the Chamorro people and the land issues confronting them.

To summarize the land problem, the administering Power returned to the Non-Self-Governing Territory of Guam after the Second World War, and in one way or another took control of approximately one third of the land - approximately 180 square kilometres out of 540 square kilometres - and the situation has continued for 50 years. The administering Power has not used most of this land; rather, it has held it in reserve as idle land, in case of a need for a military build-up in South-East Asia.

Now, in addition to being an important military base in the Pacific, Guam is also designated as a refugee centre for any mass exodus of refugees from any point in Asia. It was used for this purpose, and quite successfully, during the Viet Nam exodus, when there was a change of power in South Viet Nam. At that time, the Non-Self-Governing Territory of Guam suddenly discovered itself home to several hundred thousand refugees. The people of the Non-Self-Governing Territory of Guam are a hospitable people and, like most of us, opened their doors to refugees in time of need. However, just as it would be inappropriate for me to invite house guests into your home, Mr. Chairman, so it is inappropriate for the administering Power to invite refugees into the Non-Self-Governing Territory of Guam.

Now, with the de-escalation of the cold war, the administering Power, along with many other Powers, is cutting back the size of its active army, navy, and air force. As a part of this phase-down, the federal Government of the administering Power has now conceded that much land in the Non-Self-Governing Territory of Guam that is held by the federal Government is excess to its needs and has indicated that there is no further reason, for the immediate foreseeable future, for military control of the land.

Notwithstanding the fact that the land is not needed by the administering Power for the foreseeable future, the administering Power has continued to throw up barricades to the return of this land to its rightful owners. The people of Guam deserve to have their land back. The administering Power does not see it that way. The administering Power wants the land to remain available and vacant for future military needs. Some of the recent ruses and shams that are being used to prevent the return of this federal excess land by the administering Power have included its being designated as a bird preserve, a bird sanctuary, a wildlife preserve and so on, giving the land to homeless groups, selling it to off-island developers, giving it to other agencies of the administering Power, making it a park, and so on and so on and so on.

Every time we seem close to getting this excess land back to its rightful owners the Administering Power comes up with another impediment to the land's being returned to the people.

It was because of this that I became involved and am taking up this fight, and requested the opportunity to petition the Committee today. When I heard that the administering Power was going to declare approximately one third of the island a wildlife refuge, bird preserve, bird sanctuary, or whatever one wants to call it, I became angry. I said "Enough is enough". The Administering Power has moused us around long enough. It is time that each and every elected official in Guam took a stand on this, and that is why I am here today. In reality, it is obvious from the record that the Administering Power does not want to give up control of the land, but, rather, wants to keep the land vacant so that there will not be a large population of indigenous people to be moved, if in fact the United States Government ever has to use its contingency plans for a massive troop build-up or refugee build-up in the Non-Self-Governing Territory of Guam. This is not fair to the Non-Self-Governing Territory of Guam; it is not fair to the original owners of the land; it is not fair to anybody - whether indigenous or not - living on the land.

The land issue is inexorably tied to the issues of political status, economic development and self-determination. Any political solution to the situation in the Non-Self-Governing Territory of Guam and to the Chamorus' right of self-determination are necessarily and indivisibly intertwined with self-determination and political status. As long as the administering Power continues to control one third of the land on the Non-Self-Governing Territory of Guam, without using it, there can be no peaceful political solution to the problems facing government of the Territory.

I would like to point out as an aside that very few people in Guam have been critical of the land's being used by the military Government. The criticism is of the fact that 95 per cent of the land that the Government took up after the Second World War has never been used for any useful purpose; it has sat vacant just in case it was needed in the future. That is my criticism, and it is the general criticism in Guam. There has been relatively little criticism about the land that is actually being used.

My next issue is self-determination. I am going to touch on this very briefly, because I think it is more appropriate for the issue of self-determination to be handled by people of Chamoru descent. However, I think my observations as a non-Chamoru may be relevant.

The Chamoru people never asked to be Spanish subjects. They never asked to be transferred like chattel property to the administering Power by the Spanish, pursuant to the Treaty of Paris. They have never had an opportunity to vote on the status that they desire, in accordance with various United Nations resolutions and Article 73 of the Charter. I recall that one United Nations resolution outlines some of the possible choices as acts of self-determination by the people of the Non-Self-Governing Territory of Guam, including independence, some sort of free association or semi-independence connected with some other nation, or integration into some nation, not necessarily the administering Power, as decided by the Chamoru people.

If the administering Power had recognized its obligations early on, after the formation of the United Nations, and after it signed the United Nations Charter, and had held a prompt vote on self-determination by the Chamoru people on the issue of political status, many of today's problems would not exist, and I would probably not be in front of this Committee testifying today, because Guam would not be on the list of colonies. Whatever the choice of the Chamoru people, this issue would have been resolved in a timely manner. in addition, we would not be faced with the situation of significant numbers of non-indigenous people permanently living within the Non-Self-Governing Territory of Guam. In 1950, 1952 and 1954 virtually no outsiders were permanent residents and voters in the Non-Self-Governing Territory of Guam; there were very few Statesiders, very few people of Oriental descent and very few non-Chamorus.

The population of the Non-Self-Governing Territory of Guam has swelled as a result of immigration from the Philippines, Korea, China, Japan and other parts of Asia, and to some extent from the mainland. Miss Pangelinan, representing the Governor, has pointed out some of these problems. There has been some immigration from the mainland by Statesiders, such as myself. As a result, there is a growing population of non-indigenous people in the Non-Self-Governing Territory of Guam who are feeling threatened and disenfranchised by the Chamorus' quest for self-determination. However, this is the right of the Chamoru people, just as it was the right of the Philippine people, just as it was the right of the Okinawan people, and so on, to make their own choices.

However, the longer the Administering Power waits, procrastinates and drags its feet on this issue of self-determination, the more dangerous and volatile the situation becomes. It is like not going to the dentist when one needs to. The situation only gets worse; it never gets better. A bad tooth never heals itself. Under the current status of the Non-Self-Governing Territory of Guam, any meaningful vote on self-determination must be initiated, or at least concurred in, by the Administering Power. As a Non-Self-Governing Territory of the United States, Guam is controlled by the United States Congress, pursuant to the Territories Clause of the United States Constitution, which is very broad in its powers. I call upon the United States, as administering Power, to resolve this issue, and to resolve it now, before the situation becomes so acute that much of all that the politicians of the Non-Self-Governing Territory of Guam have worked for for so many years is jeopardized. The Chamoru people deserve an opportunity to express their rights of self-determination through a peaceful vote now - not in 10 years, not in 50 years, but as soon as possible.

The third issue ties into the other two. That is Guam's political status in the American system. The Non-Self-Governing Territory of Guam is seeking a Commonwealth status with the administering Power similar to what was negotiated with the Commonwealth of the Northern Marianas a few years ago, and I think similar to what Puerto Rico has.

The impetus for the Commonwealth concept was initiated at a meeting called by Congressman Manuel Lujan from the United States Congress in Albuquerque, New Mexico, in 1983. He went on to become Secretary of the Interior, having direct control over the Territory, but was very negligent about taking steps to implement that which he had started. Many of the leaders of the Non-Self-Governing Territory of Guam attended the meeting. I did not. At Lujan's urging, the Non-Self-Governing Territory of Guam established a Political Status Commission to negotiate and work with the United States Government and come up with a plan. The outcome of this was the Commonwealth Act, which was submitted to Congress in February 1988.

I want to digress a minute. I want everybody to think of a very common situation in his or her country or in my country. Everybody here, or somebody we know, has at one time or another applied for a job that he or she really wanted. The employer smiles, says pretty words and is vague. He does not say "Yes, Henry, you can have a job" or "No, Sam, you can't have it" or "Linda, you are hired" or "Karen you are not hired". He smiles and says "Come back next week", and then he says "The guy making the decision is sick"; then one is given another excuse and then another excuse. The employers never tell the applicant that they are or are not going to hire him. They never tell him "We are not going to hire you" or "You are asking for too much money". They give him the run-around. As a result, because this is a job that the guy really wants, he waits - and he waits and he waits. Because he wants the job, and because the employer won't tell him "No", he waits and waits some more. He suffers, instead of going out to find another job, as he would do if he were told the truth that he will not be hired.

That is what is happening with the Non-Self-Governing Territory of Guam. It is now over six years, through three Administrations and numerous Congresses within the administering Power, that our Commonwealth Bill has languished. I would point out that the Bill would confer only an interim political status; it is not the final Act of self-determination. However there has been no meaningful negotiation. There have been many pretty words from smiling politicians in Washington, reminiscent of the pretty words that were said to the various Indian nations during the last century. Those pretty words have been every bit as empty as the pretty words given by Washington to the American Indian tribes a hundred years ago. As a result, Commonwealth is no closer to resolution now than it was in 1988.

The kindest cut is a sharp knife. Shakespeare was right. It is the prerogative of the administering Power to turn down Commonwealth. I do not disagree with the concept that the United States has the power to refuse our petition. That is negotiations. As unpleasant as it can sometimes be, having a request denied by another party during negotiations is a fact of life - it is just part of the process of good-faith negotiations.

However, if the Administration wants to turn down the Commonwealth Act, then the administering Power should turn it down. If the administering Power wants to come back and say it wants to negotiate on this point and that point, then that is its privilege. However, after six years, the United States simply utters pretty words with no substance, no progress, and vague positions on Commonwealth and related issues.

Trying to negotiate with the United States on Commonwealth is like trying to negotiate with a bowl of Jell-O. The position of the administering Power constantly shifts and moves. The players from the United States

Government constantly shift and move. We are negotiating with the United States Department of the Interior; we are negotiating with the United States Congress; we are negotiating with the task force; we are negotiating with a United States presidential representative who, we now find out, is going to run the Smithsonian Institution and drop his primary obligation to resolve the question he has undertaken to help resolve regarding Guam's political status.

The local Government of the Non-Self-Governing Territory of Guam is in an impossible situation. We have nobody to negotiate with and we are ignored. We get occasional pleasant visits from some high official of the administering Power, usually on his or her way to someplace else. They usually stop over in Guam for a two-hour refueling stop. We get many nice words but we get nothing more. In all fairness, the administering Power should quit ignoring the people of the Non-Self-Governing Territory of Guam and act on Commonwealth one way or the other.

If Commonwealth is not acceptable to the administering Power, tell us so. The people of the Non-Self-Governing Territory of Guam can go back to the drawing board. They can then determine if some other type of temporary interim status is more appropriate.

All of this brings me to another point to which I alluded a minute ago. The United States Government has pursued a philosophy that some of us agree with and some of us disagree with. Basically, it has taken the philosophical position that it is appropriate for a world Power such as the United States to interfere in the affairs of nations to protect what the United States perceives as the poor and the downtrodden; to protect against what the United States perceives as injustices. However, the United States finds it much more difficult to clean up its own backyard - with the American Indian nations and with the peoples of the Non-Self-Governing Territory of Guam and of Puerto Rico and of the Virgin Islands and the other Non-Self-Governing Territories and quasi-colonies of the United States - than to right the wrongs that it perceives are being committed by other Governments.

It is time for the administering Power to get its house in order and correct the injustices in the Non-Self-Governing Territories - not only the injustices in the Non-Self-Governing Territory of Guam but the injustices in the other Non-Self-Governing Territories and the injustices perpetrated by the United States Government against the Indian nations unfortunate enough to be located within the territorial boundaries claimed by the United States. I sincerely hope that the other Non-Self-Governing Territories of the United States, including the Indian nations which have been recognized by treaty as foreign nations come forward to this Committee to request relief and to bring pressure to bear upon the administering Power to provide justice.

Let us talk about justice. I remember, in law school, taking a course on jurisprudence and philosophy in which we debated the question of what is natural justice. After many years as an active politician and as an attorney, I think justice in simply one person treating another person fairly or one nation treating another nation fairly. That is all the people of the Non-Self-Governing Territory of Guam have ever asked for from the administering Power: fair treatment; do not ignore us.

The Chamorro people have never had widespread objections to the United States people using the land actually being occupied and utilized for military bases. They have strongly objected to the administering Power taking land that the administrating Power did not need and keeping it unused for many years. That is injustice.

By and large, for many years most of the Chamorro people have considered themselves loyal Americans. However, as an outsider who has lived on Guam for 18 years, I can tell the Committee that that perception is changing. The move of the people of Guam away from the United States is obvious. The attitudes and the changes in attitude are very obvious not only among the indigenous people but also among many of the non-Chamorro people who have chosen to make Guam their home. I think I have outlined some of the things that I perceive as serious injustices. Other speakers before and after me have outlined and will outline other perceived injustices.

The bottom line is this. When people are not treated fairly -be it for religious reasons, for race, because they are an indigenous people, or for any other reason - when they are treated unfairly and unjustly this breeds discontent, it breeds anarchy, it breeds hate, it breeds revolution, and it breeds all of the precursors of war and all the things that this body of the United Nations is designed to prevent. We need to make the world a better place to live, and we can do this only by being fair to our neighbours and to our friends. It is time for the administering Power to take a close look at its relationship with the Non-Self-Governing Territory of Guam and to start looking at fairness, not at what is necessarily best for the administrating Power.

The United Nations is currently doing good work attempting to keep the peace around the world in places like Rwanda, Somalia, the former Yugoslav Republic and various other parts of the world. At this time, on behalf of my constituents, I am asking the United Nations to take an active role in the situation in Guam before we reach the point of no return, resulting in violence, destruction, death and revolution. This is a unique opportunity for the United Nations to nip an unjust and potentially violent situation in the bud, before it explodes.

I am here today to plead with members to use their influence on the United States to resolve this issue. Let us work together to avoid bitterness, hatred, bloodshed and a required military presence by the United Nations.

It gives me great pride to present a resolution from the Legislature of the Non-Self-Governing Territory of Guam, unanimously approved on 24 June 1994, inviting the United Nations to send a fact-finding mission to Guam and requesting the administering Power to take all steps necessary to coordinate and implement such action. Perhaps this is the first step in getting the powers that be within the administering Power to realize that the Non-Self-Governing Territory of Guam is not just a backwater or a minor irritant, but that people of the Non-Self-Governing Territory of Guam demand their right to be heard and to be taken seriously in negotiations for commonwealth, in Guam's quest for justice in the return of land taken by the administering Power to the proper and rightful owners, and with respect to resolving the issues of self-determination. I stand ready to do anything I can do in my position as majority leader of the twenty-second Guam Legislature to facilitate the United Nations visiting mission to Guam. I know most of my colleagues feel the same way.

We are desperate. We are at our wits' end. The indigenous Chamorro people have not been shown the respect and courtesy they deserve. The Government of the Non-Self-Governing Territory of Guam and the people living on our island, of every type and description, have not been extended courteous treatment. The United States has treated every person living in the Non-Self-Governing Territory of Guam with indifference, benign neglect and arrogance. As a result, the situation in the Non-Self-Governing Territory of Guam is rapidly changing as we move from the mainstream of peaceful politics, to the fringes of radicalism, to the cry for independence, to *el Grito*.

The people of the Non-Self-Governing Territory of Guam are begging for a political resolution to these problems. We want a peaceful solution. The people of Guam do not want violence. Everybody wants a peaceful solution.

I would like to point out that I am not here today representing any ethnic group. I am not here today espousing any position as to what the ultimate political status after the act of self-determination should be for Guam. Rather I am here to beg for justice for all of my constituents. The people of Guam, indigenous and non-indigenous, find Guam a peaceful place to live, with a loving community with a harmonious multiracial community that makes Guam a very pleasant and in some ways unique island to call home. I do not think any one of us wants this to change. I think everybody agrees that the excess land should be given back to the rightful owners by the Administering Authority.

I think more and more people are understanding the rights of the Chamorro people to have a vote on self-determination. This right must be respected and must be accomplished some time soon. I do not see at this point any irreconcilable differences between the Chamorro people and the non-Chamorro people. I do not see this in the future. Rather I see a problem of the entire community of all ethnic groups changing their position in regard to the actions of the United States. The administering Power has treated the people of the Non-Self-Governing Territory of Guam in many instances in a totally disgusting manner, and this must be addressed.

In addition, I am submitting a copy of Resolution No. 93, which was adopted by the Guam Legislature on 9 June 1993. Resolution No. 93 requests that the United States Government reverse the process for determining as excess all remaining Federal lands in Guam not yet determined as excess and mandating that the United States military precisely determine what lands are needed to support the local military mission using standard basing requirements, and further requests that land beyond military needs be returned to the people of Guam.

On 6 July, Senator Manibusan and I held a public hearing to collect testimony and input from the people of Guam for this hearing today. All groups on the island which we could identify that had expressed an interest in the subjects raised by my testimony were invited. In addition, a notice was placed in the local newspaper for two days inviting the general public to testify. I am today submitting with my testimony and have attached thereto copies of written testimony received from persons and groups not represented here today, including David Sablan,

Council of Elders of the Chamorro Nation; Mr. Vicente U. Garrido; and University of Guam Associate Professor Richard H.J. Wyttenbach-Santos and his wife. In addition, I am attaching the transcript of the oral testimony of Dr. Bernadette Dungca, who had no written testimony but who very eloquently described being a Chamorro woman and the plight of the Chamoru people. Unfortunately, we did not have time to transcribe any other part of oral testimony given at that hearing; however, all of it was in favour of our group's coming to the United Nations and to the intent of the testimony that Senator Manibusan and I are giving today. I am also attaching Guam Legislative Resolution 93, which I feel is relevant.

In closing, on behalf of the people of Guam and as majority leader of the 22nd Guam Legislature, I am again seeking the assistance of the United Nations to help Guam and the administering Power peacefully resolve the questions raised here today concerning the Non-Self-Governing Territory of Guam. Please carefully consider Guam's unanimous request by the Legislature - with which the Governor of Guam concurs - for a United Nations fact-finding mission to visit Guam at the earliest possible date. I would also strongly urge the Committee to carefully examine any attempt by the administering Power to remove Guam from the list of Non-Self-Governing Territories, noting once again that the proposed Commonwealth Act is not an act of self-determination but is only an interim status until such time as the Chamoru people have had an opportunity to exercise their right to self-determination, in accordance with Article 73 of the United Nations Charter and relevant United Nations resolutions.

In closing, I beg the indulgence of this body to seriously consider the testimony today and to take all steps possible to help the people of the Non-Self-Governing Territory of Guam resolve this issue. I am grateful for the opportunity to present my testimony. With the leave of the Committee, I should like at this time to ask Senator Manibusan and the Governor's Representative to assist me in presenting to the Chairman and to the Committee Resolution 299, unanimously passed by the Guam Legislature on 24 July 1993 and co-sponsored by all members, inviting a United Nations Mission to visit the Non-Self-Governing Territory of Guam.

The Chairman *(interpretation from Spanish):* I thank Mr. Parkinson for the extensive information he provided us regarding the situation in Guam. Does any member of the Committee have any comments or questions for Mr. Parkinson?

Mr. Samana (Papua New Guinea): I should like to express my appreciation for this opportunity to comment on the most informative presentations made by Mr. Parkinson on behalf of the Guam Legislature and by the representative of the Governor's Office, Ms. Pangelinan. These reports will assist the Committee in considering the future of Guam and the question of its self-determination.

My delegation has listened attentively to the petitions presented. As we are also from a small island State of the Pacific region, we share the sentiment, so critical to the survival of a population in a small island community, of the importance of land, which was so clearly stressed in the presentations. Indigenous people, without land ownership or the power to exercise their rights over it in terms of their survival, have no existence. They lack control; they lose their future. Land is thus a central and key issue. Therefore the question of self-determination, as presented so accurately by Mr. Parkinson and by the representative of the Governor of Guam, is integral to the issue of self-determination.

My delegation endorses this important question, as raised in the petition, and supports the general consensus by the presenters that the United Nations make a greater effort to consider not only the question of sending a United Nations mission to the Territory concerned but also the issue at stake. I would also emphasize the issue of land, which is so important and constitutes an integral part of the question of self-determination.

The Chairman *(interpretation from Spanish):* Does any other member of the Committee wish to take the floor? Since that is not the case, we would like to thank Mr. Parkinson for the exhaustive information he provided. We express our appreciation for the work that he is accomplishing in Guam, and we have been most encouraged by his participation in the work of our Committee.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* I now call on Ms. Manibusan.

Ms. Manibusan: I am Marilyn Manibusan, a Senator in the Guam Legislature for the past 10 years and for the past 12 years the representative of the Legislative Minority to the Guam Commission on Self-Determination. I greatly appreciate the opportunity afforded me to present comments on the issues confronting Guam as this Committee prepares

to forward its recommendation on a resolution to the General Assembly.

I shall begin by outlining the state of Guam's political relationship with its administering Power and alluding to the myriad effects this relationship has on the people of Guam. In the interests of brevity, I will try to summarize and abbreviate some of my testimony today.

Guam is, by any other name, a colony of the United States. This is as true in the legal framework of the administering Power as it is here at the United Nations.

Being a colony is, in itself, disturbing enough: colonialism is a crime, a violation of individual human rights and of the collective rights of a people to control its culture, resources and destiny. Colonialism is bad enough. But in the case of Guam, its effects are compounded by the continuous actions of the administering Power to disrupt the demography of our homeland and hold our resources in abeyance. Added to this continuous abrogation of our rights is the administering Power's complete disregard of the issue of altering our colonial status. What we have, then, is a colonial Power exercising unilateral rights without as yet having taken any apparent action that would demonstrate its intention to rectify its violations of fundamental human rights.

Since 1898, the only proposal to alter Guam's colonial status has come from Guam. Until 1980, leaders in Guam attempted to better our people's status within the framework of the existing political relationship. But in 1987 the people of Guam ratified a proposed Commonwealth Act which provided for a process that would recognize the right of the Chamorro people to decolonize their homeland. In the interim, as a transition, Guam would have a Commonwealth relationship that would change many existing standards and give Guam the right of consent to the application of the legal standards of the administering Power. The important fact is that this proposal - Guam's proposal - is the only one ever placed on the table that would establish a process to decolonize Guam. Despite its obligation, the administering Power has never offered a proposal that would redefine Guam's status or decolonize our homeland.

The response of the administering Power has been less than acceptable. In the past decade, we in Guam have attempted to work with different administrations of the administering Power. In late 1993 - despite the colonial attitudes of the previous administration - our hopes were high with the appointment of a highly regarded Special Representative to deal with our quest to change our political status. Since that time, however, we have received no concrete commitments. We wish the United States Special Representative well, but many of us are ceasing to believe that the administering Power will in fact do anything of substance to address Guam's needs.

The administration of President Clinton has demonstrated more interest in understanding the obligation of the United States to decolonize Guam than any previous administration, but we will have to see tangible results before we can express anything but cynicism about the administering Power's official intentions. I hope that I am proved wrong, but the continuing record of the administering Power in abrogating our cultural and resource rights while producing nothing in response to our proposal regarding our political status does not produce much optimism. The time is coming when we will have to judge whether or not the administering Power intends to respond reasonably to our present proposal, and at that time we will have to examine other options if we judge the administering Power's response to be unsatisfactory. We cannot wait forever while the administering Power does nothing.

The administering Power continues to examine our proposal, but they have offered us nothing substantive that would satisfy us. In fact, the administering Power continues a programme of immigration that places the indigenous Chamorro people in the position of becoming a shrinking minority in their homeland. This activity on the part of the administering Power is in direct contravention of the Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples - paragraph 8 of the annex to United Nations General Assembly resolution 35/118. While we are pleased that last year's resolution on Guam took note of the situation with respect to the impact of immigration in Guam, it should also be noted that the administering Power has done nothing to curtail its immigration activities.

So that my meaning is not mistaken, there is little evidence of overt hostility to immigrants in Guam. Some immigrants choose to take up permanent residence on our island, but unfortunately most merely use our island as a stepping stone to other destinations under the jurisdiction of the administering Power. In 1990, over half of the residents of Guam were not born in Guam, and of this group over half had come to Guam since 1985. For the people of Guam, the question of immigration is not one of anti-immigrant feelings, but is, rather, a question of how to manage our resources in a manner consistent with our

long-term requirements and our socio-cultural goals as a community.

The administering Power's immigration policies, however, have led us to require that in the process of self-determination, the "self" be clearly identified. This approach is clearly consistent with all writings that discuss the issue of self-determination in a colonial situation. Clearly, the right of self-determination in a Non-Self-Governing Territory does not extend to all immigrants and settlers introduced there by the administering Power.

In the Commonwealth Act - voted on by all eligible voters in Guam - we have laid out a process whereby the Constitution of Guam will establish a mechanism providing for the indigenous Chamorro people to exercise self-determination. This act of self-determination will lead to a decolonized status for Guam consistent with General Assembly resolution 1541 (XV).

It is critical to note that the act of indigenous self-determination - an exercise pursuant to the Commonwealth Act - will lead to Guam's decolonized status. For this reason, it is important that the text of the resolution on Guam include specific references to an act of indigenous self-determination as the vehicle that validates Guam's decolonization.

If this process sounds confusing, rest assured that it is. However, we in Guam would not be obliged to require that the "self" in "self-determination" be qualified were it not for the immigration policies of the administering Power. To confuse the issue even further, the administering Power - while continuing with its immigration practices - has attempted to apply misdirected internal constitutional and policy standards to the Chamorro people's right to self-determination. This is, of course, absurd on several counts. First, the colonial power's attempt to stack the deck as regards self-determination is a gross violation of international standards. Secondly, the internal constitutional processes of an administering Power are not a legitimate basis for denying an international obligation or basic human rights.

The issue of Chamorro self-determination, I would suggest, requires special emphasis in the resolution on Guam. This is not an internal matter exclusively overseen by the administering Power; it is a right of the colonized people of Guam - that people being the Chamorro people.

Allow me to touch on one final issue - a very sensitive one - which continues to be problematic because of unilateral actions by the administering Power. The issue is that of war reparations for the Chamorro people.

Later this month, Guam will commemorate the fiftieth anniversary of the tragic and heroic events surrounding the island's Japanese occupation during the Second World War and the subsequent American reoccupation. However, a deep sense of injustice prevails. While the people of Guam commemorate the loved ones lost in the period when the island was a battleground in a war between two world Powers and recall the heroics of countless Chamorros who struggled to survive that period, the issue of war reparations will remain unresolved.

The reason that this issue remains unresolved is because of the actions of the administering Power in annulling the obligation of the Government of imperial Japan for reparations, which in Guam are related to executions, physical brutalities, forced march and mass internment. Without exception, every Chamorro family was affected.

Having forgiven the obligation for reparations, the administering Power itself *de facto* assumed the obligation. This responsibility, however, remains unfulfilled. The injustices perpetrated against persons have been recounted on numerous occasions in attempts to help the administering Power understand, but these actions have been marked only by a couple of Congressional hearings in the past 50 years and then silent indifference. Perhaps it is expecting too much to anticipate good-faith actions on the part of the party which dismissed the claims of a people brutalized, but it is important that this issue be raised to demonstrate the difficult position we as a colonized people face.

In the eyes of the administering Power, Guam is a possession whose past and future has validity only in terms of the designs and internal legal mechanisms of its own Government. Yet, under the laws of the administering Power, we are not permitted to participate in the decisions of the nation as a whole nor in the decisions of the administering Power which affect us. We are told that we are treated no differently than a State of the union when it comes to issues such as land return, immigration, or ocean resources. This is of little benefit to us while our land remains held beyond our control, our island impacted by massive demographic changes and its living and non-living resources utilized by the foreign and internal interests of the administering Power.

While we are so often told to be satisfied with treatment similar to that received by parts of the administering Power's Union, our legal status under the administering Power explicitly excludes us as a part of that Union. Our request for status change has moved slowly, as though our requests for rights and dignity are an affront to the notion of rights themselves. While the administering Power keeps our future in limbo, our social, cultural and economic future weighs in a balance that limits our progress. We point to the fact that, as noted in the resolution, a period of 15 years has elapsed since a United Nations mission last visited the Territory. I join - we join - in the call upon the administering Power to facilitate the dispatch of such a mission as early as possible. I take this opportunity now to thank this Committee and the Subcommittee on Small Territories for their attention and responses to all testimonies and petitions from Guam by witnesses in the past years.

It is time that the situation in Guam be examined more closely by this body. Of the remaining Non-Self-Governing Territories, Guam is one of only a few which have advanced the processes for decolonization. As someone who has felt and continues to feel the frustration and anguish of our people for more than a decade in my capacity as their representative in the Legislature, I appeal to each and every member here to please take note of our plight as our struggle continues. I thank them for this opportunity to present this statement on behalf of the people of Guam, whom I have the privilege and honour to represent here today. I would be pleased to answer any questions which members may have.

Mr. Keita (Mali) *(interpretation from French):* Mr. Chairman, Since this is the first time I have spoken, I should like to associate my delegation with the statement of the Chairman of the Subcommittee extending his kind and well-deserved words to you, Sir.

I do not have a question for Ms. Manibusan. I simply wonder whether the texts of the statements made by the petitioners might be made available to members of the Committee. If we cannot have all of them from the Secretariat, might we not at least have some in the future, unless of course this has already been arranged for.

We take this opportunity to say that we have been furnished with valuable information by the petitioners - information which was not always available to us - and it is quite normal, in studying these texts, that we should very much like to have them put on file so that we can use them for the discussion next year. We hope that the aspirations of Guam, the Committee and the United Nations will be realized and the question resolved before next year, for their sakes as well as our own.

The Chairman *(interpretation from Spanish):* The Secretariat has received copies of some of the statements that have been made and has distributed them in the order in which they have been received. Indeed, we believe that the importance of testimony and the exhaustive information it contains make it vital that all statements be distributed, and this will be done. All statements made are reproduced in the verbatim records of the Committee in all languages.

We fully understand how important this testimony is and we know that it must be set down in the verbatim records of our Committee's proceedings. That is the very purpose of our work and furthermore is what we are duty-bound to do with the valuable testimony furnished by the petitioners. We agree with the assessment of the representative of Mali and we will be distributing copies of the testimony of the petitioners. It will also be recorded in the verbatim records of our Committee.

The petitioner withdrew.

The Chairman *(interpretation from Spanish):* I call on Ms. Cristobal.

Ms. Cristobal (Organization of People for Indigenous Rights): I should like to acknowledge the statements of the two Chamorro women who spoke before me, very strong Chamorro women, and I want to congratulate Ms. Lourdes Pangelinan and Senator Marilyn Manibusan for their statements this morning. As strong Chamorro women of Guam, we represent a strong voice.

My name is Hope Alvarez Cristobal. I am the Chairperson of the International Networking Committee, and with me today is Mr. Ron Rivera, Chairperson of our organization. We wish to express our sincerest appreciation for the opportunity to appear before the Committee today and commend it for its steadfast and unrelenting commitment to the ending of colonialism throughout the world.

The Organization of People for Indigenous Rights is a community-based, non-governmental organization whose existence is dedicated to seeing that the right of the Chamorro people of Guam to self-determination and decolonization of the Chamorro homeland is exercised. Our dedication to Chamorro self-determination remains unfaltering and is widely supported. Since our organization

formally began in 1981, we have witnessed the issue of Chamorro self-determination emerge from virtual obscurity and confusion to become one which was adopted by the voters of Guam and which remains the cornerstone of Guam's political-status drive. Chamorro self-determination is now an issue which receives overwhelming support from Guam's political leaders and the community at large.

The Organization of People for Indigenous Rights has appeared before the Special Committee on numerous occasions with regard to our situation in Guam. Today's appearance holds special meaning for us in view of the presence of the representatives of the Governor of Guam for the third consecutive year and because of the initial appearance of two Senators of the Guam Legislature. Our organization is pleased that the leaders of Guam's Government have remained steadfast in their support of Chamorro self-determination despite considerable objections, particularly as represented by the administering Power.

Our position, without reservation, is that colonialism in all its forms and manifestations is an international crime. Colonialism's characteristics of criminality are clearly reflected in the impact on colonial people. Colonialism universally, and in Guam, results in the following: first, the denial of the colonized people's freedom to determine their destiny; secondly, the denial of colonized people's freedom to determine how they wish to be governed; thirdly, the confiscation and exploitation of the natural resources belonging to the colonized people; fourthly, the fact that the colonial peoples participate least in and benefit least from the economic system designed and controlled by the colonizer; and, fifthly, to ensure the aims of the colonizer, programmes and policies developed and promoted to achieve cultural disintegration and historical disconnection.

The profound impact of colonialism on a colonized people demands special consideration by the international community. Today the Special Committee has far fewer Non-Self-Governing territories to examine than when it was established, but the work of overseeing the completion of the task of decolonization is no less relevant to the remaining peoples whose destiny is unilaterally controlled by colonial Powers.

As we have noted in previous presentations to the Special Committee, Guam's proposed Commonwealth Act, now before the Government of the United States for consideration, is not an act of self-determination. The draft Guam Commonwealth Act, if ratified, will alter the current relationship between the people of Guam and the administering Power by establishing an interim political status which would grant internal self-government, albeit still limited. More importantly, the Commonwealth Act also calls for the decolonization of Guam through a recognition of the inalienable right of the Chamorro People to exercise self-determination for their homeland. It is the Chamorro people who are colonized and it is only the Chamorro people who can engage in a legitimate process of decolonization.

We clearly recognize that the Guam Draft Commonwealth Act does not fully meet the guidelines and principles of decolonization outlined in United Nations General Assembly resolutions 1514 (XV) and 1541 (XV) and the 1980 United Nations Plan of Action. These principles and guidelines, in the case of Guam, can be met only through the exercise of Chamorro self-determination. We are emphatic and resolute in our opposition to the administering Power's insistence that any changes in our colonial status must fall within the parameters of its national Constitution and within the narrow confines of its military and economic interests. In imposing such conditions, the administering Power fails to recognize and respect the integrity of the decolonization process as outlined by the United Nations. Furthermore, the administering Power denies the fact that we are not full and integrated members of its national union and that the application of its national Constitution, absent full and equal membership in its union, represents the continuation of a colonial system in Guam.

We stress this area of concern to ensure that no one misunderstands the nature of the current process of change in our political status now being proposed in Guam. We fear that through misunderstanding this current process, the Special Committee is led to believe that a legitimate process of decolonization will occur and that Guam may now be removed from the list of Non-Self-Governing Territories. To take such action would deny the Chamorro people the single most important, if not the only, process towards decolonization.

Immigration is a critical issue related to Chamorro self-determination and requires serious consideration leading to decisive actions. This issue relates to the wholesale and unilateral application of the administering Power's national immigration policy in Guam. United States immigration law as applied in Guam has resulted in the Chamorro people's becoming a minority in their homeland. Whereas in 1940 Chamorros comprised 90 per cent of the general population of Guam, in 1990 the

Chamorro people represented 43 per cent of Guam's total population. An alarming outcome of the administering Power's immigration policy in Guam is reflected in the fact that by 1990 over half of Guam's population of 133,000 was not born in Guam. Of the 50 per cent not born in Guam, 63 per cent immigrated to Guam after 1985. Although Chamorros represent a plurality in Guam's population, our numbers continue to decline proportionately, resulting in our displacement and disintegration in our homeland. These serious changes in the demography of our Chamorro homeland are central to what has forced us to define the "self" in "self-determination".

We point out that the administering Power's imposed immigration policies in Guam represent a contravention of relevant United Nations resolutions on decolonization and in particular the 1980 Plan of Action for the Full Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 35/118). Specifically, contrary to paragraph 8 of the Plan of Action, United States policy has resulted in the systematic influx of outside immigrants and settlers into Guam, has disrupted the demographic composition of Guam and constitutes a major obstacle to the genuine exercise of Chamorro self-determination.

A significant impediment to decolonization centres on the land tenure policies which the administering Power has applied in Guam. The administering Power has confiscated an inordinate amount of land for its exclusive use by unilaterally imposing its legal system as it relates to land. The areas of Guam land of which the administering Power has availed itself constitute one third of the entire land mass of our homeland. What is clear is that, irrespective of the need for these lands, the administering Power used its unfettered and unchallenged powers to seize these properties.

The specific actions of the administering Power with respect to land are well documented. Initially it utilized the justification of national defence and world peace to confiscate and hold our lands. For almost 50 years they were held based on worst case scenarios and contingencies. Today, in the absence of these justifications, the administering Power has engaged in creative and innovative justifications to keep our lands - for example, wildlife refuge designations, national parks and other United States federal agency needs. We find that, whether in war or in peace, the administering Power's appetite for land becomes no less ferocious. The interest of the administering Power is paramount when dealing with land tenure policy in Guam. This is obviously in violation of a legitimate decolonization process, which requires that people under colonial rule retain control of, and dispose of, their natural resources freely and without interference.

We strongly support the proposed resolution before the Special Committee, as it is currently drafted. Our support extends to references in the resolution in the following areas: first, recognition of the right of the indigenous Chamorro people to self-determination for the Territory; secondly, the call for a reform in the programmes of the administering Power with respect to the thorough and expeditious transfer of property to the people of Guam; thirdly, recognition that immigration into Guam has resulted in the indigenous Chamorros' becoming a minority in their homeland; fourthly, the call upon the administering Power to conduct expeditious negotiations with the territorial Government on the draft Commonwealth Act and on the future status of the Territory; fifthly, the call on the administering Power to expedite the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights; sixthly, the call on the administering Power to recognize and respect the political rights and the cultural and ethnic identity of the Chamorro people and to respond to the concerns of the territorial Government with regard to immigration issues; seventhly, the call upon the administering Power to facilitate the dispatch of a visiting mission to the Territory as early as possible; and, eighthly, the call upon the administering Power to facilitate the participation of the people of Guam in international organizations.

We urge the Special Committee to recognize that the draft Guam Commonwealth Act represents an interim political status as an initial step towards self-determination. By such recognition, Guam will be retained on the list of Non-Self-Governing Territories, and the application of General Assembly resolutions 1514 (XV) and 1541 (XV) will continue to take effect.

We strongly recommend that the Special Committee take serious account of the recommendations of the various regional seminars relative to the International Decade for the Eradication of Colonialism. Such recommendations include the enhanced participation of representatives from the Non-Self-Governing Territories in the United Nations process of decolonization. Further, there is a call for funding and more direct efforts at the dissemination of information to peoples in Non-Self-Governing Territories relative to their rights and legitimate options as well as the expressed desire for the United Nations Secretary-General to play a more direct role in the decolonization process and

to make personal visits to the remaining Non-Self-Governing Territories in order to facilitate the eradication of colonialism by the year 2000.

We must reiterate our commendations to all members for their diligent efforts on our behalf as the people of the Non-Self-Governing Territory of Guam. Their continued diligence is vital to ensuring that a legitimate process of decolonization is actualized in our homeland.

Again we thank the Committee for the opportunity to appear before it today. I am willing to answer any questions. "Si Yu'os Ma'ase'."

The petitioner withdrew.

Requests for hearing

The Chairman *(interpretation from Spanish)*: This morning the Committee received a request from Mr. Tony Artero of Guam, who wishes to appear before the Committee in a personal capacity. If the Committee agrees, I propose to call upon him this afternoon, as there are still other petitioners from Guam to be heard. May I take it that the Committee agrees?

It was so decided.

The Chairman *(interpretation from Spanish)*: The Committee will recall that in *aide-mémoire* 15/94, Mr. Corbin of the United States Virgin Islands asked to appear before our Committee. We have received no comments in this regard. Accordingly, the members of the Bureau have decided to invite Mr. Corbin to speak as representative of the Governor of the United States Virgin Islands. I take it that the Committee agrees.

It was so decided.

The meeting rose at 1.15 p.m.